94

83

94

H.F.M

H.F.M

Extracts from G.O.s and Consultations relating to

MAPPILLA REBELLION
AND
RAMPA DISTURBANCES

1922 – 1925

(PAGES 1–155)

Extracts from the G.O.s and Consultations relating to

Moppila Rebellion and Rampa disturbances

1922 – 1925

Pages 1 – 142

Bundle NO.
8

GOVERNMENT ORDERS AND CONSULTATIONS RETAINED FILE NO.

Extracts from G.O.s and Consultations relating

to:- Mappilla rebellion and Rampa disturbances (1922-25)

1

EXTRACTS FROM THE G.OS. RELATING TO Home Rule & Rowlatt Act (

IN THE MADRAS PRESIDENCY. Mopla Attitude towards War (1912)

ABSTRACT OF THE G.O.

Recording correspondence regarding the state of Mapilla feeling - in connection with the war in the Balkans.

REFERENCE:-G.O.No. 2040(Confi.)dated 9-12-1912, Judicial Dept.

CONFIDENTIAL. Judicial Dept.

D.O.No. 368/C-1 D/5-11-12.

My dear Innes,

The Government observe from one of the telegrams circulated by the Indian news Agency that the Moplas at Calicut are said to be offering special prayers for the success of Turkish arms and showing a considerable interest in the course of the war in the Balkans. I am to say that they think it would be a good thing if you would, as quietly as possible warn officers in the Ernad and Walluvanad taluks, especially to keep a watchful eye on any persons who are possible sources of trouble, and also that you should see that the Malappuram military detachment and the reserve police are up to full strength and that the signalling arrangements are in good working order and any other essentials looked into. You will now doubt take care that myxmany action you may take in this matter is done in such a way that it shall not become known, as any elaboate precautions might provoke the trouble which we wish to avoid.

Yours sincerely,

Extracts from G.O.s relating to non-cooperation and Khilafat movement (1920-25)
Madras Govt ... Malabar rebellion (1921)

GOVERNMENT OF MADRAS.

PUBLIC DEPARTMENT.

3

*****

G.O.No.424, 4th July, 1921.

Ottapalam disturbances - April 1921.

- -

Read--Report from the District Magistrate, Malabar, dated 5th May 1921.

Order--No.424, Public, dated 4th July 1921.

The following press communique ~~will~~ has been issued on the subject of the disturbances at Ottapalam on 26th April 1921:-

PRESS COMMUNIQUE.

The Government have made inquiries and received reports on the occurrences at Ottapalam in the Malabar district on the 26th April last; and the following is a brief statement of what actually occurred on that date.

To supplement the ordinary force of Police during the session of the Kerala Provincial Congress the cycle section of the Malappuram Special Force was deputed to be at Ottapalam, but they were kept in the background at the Deputy Tahsildar's office and went out only for route marches in the early morning and that not through the village.

During the days of the session of the conference from the 24th to the 26th the Police on duty were subjected to frequent petty provocations. A shorthand Sub-Inspector was insulted in the conference pandal itself; the Sergeant with the Special Force party was insulted in the main road in front of the Deputy Tahsildar's office; and the Special Force men had to listen to insults and look on at insulting gestures from the local riffiraff masquerading as volunteers. Sale of soda water was refused to the Sub-Inspectors of the Shorthand staff. The Police however showed great self-restraint and no breach of discipline occurred up to the 26th morning.

5

As the majority of the people attending the conference had left by the 26th morning and there remained only the Students Conference to be held, Mr. Hitchcock, the Superintendent, left by Mail for Calicut on the 26th at 11 a.m., leaving the Assistant Superintendent of Police in charge. Before Mr. Hitchcock left, as he considered the village was practically in a normal state again, he gave the Special Force men leave to go into the bazaar to make their purchases.

Just as Mr. Hitchcock was proceeding to the railway station a Special Force constable brought to him a young man and complained that the youthhad insulted him. Mr. Hitchcock regarded the matter as trifling and ordered the head constable to investigate it and report to the Assistant Superintendent of Police. The head constable sent the youth away and the latter, a Nayar who styled himself Lieutenant of the Khilafat Volunteers from Calicut, at once went to the conference pandal and gave his own version of the matter there. Upon this, two persons one named Ramunni Menon of Ottapalam, a vakil, who has declared that he has relinquished practice and the other Abdul Hamid Khan, Secretary of the Khilafat Committee, proceeded to make inquiries in public. Ramunni Menon ordered the people who gathered round to disperse. A constable (not on duty) who happened to be among the crowd questioned his right to act so on the public road. The 'Lieutenant of Volunteers' then offered the constable 2 annas to go away. This was clearly intended and understood as an insult, and was resented accordingly, and led to an affray between some of the Police (who were in mufti and not on duty) and the individuals mentioned above. No complaint by any aggrieved person was made at the time to any authority, nor has any such complaint been made since to the knowledge of Government.

The Government have read in the HINDU newspaper a report appearing over the signature of five persons, namely, (1) T. Prakasam, (2) Saiyid Murtuza, (3) George Joseph, (4) L.A.Subba-

7

rama Ayyar and (5) K.P.Kesava Menon. This report purports to give an account in detail of the occurrences at Ottapalam on the 26th April and makes certain allegations against the Police. The Government have authorized the Superintendent of Police, Mr. Hitchcock, to file a suit for damages against the signatories to this report and the Editor and Proprietor of the HINDU newspaper.

(By order of the Governor in Council)

Sd./- N.E.MARJORIBANKS,
Acting Chief Secretary.

/ true copy /

EXTRACTS FROM GOS RELATING TO Non-cooperation and Khilafat Movt (1920-) Malabar rebellion (1921).
IN THE MADRAS PRESIDENCY.

Abstract of the GO.

(Martial Law - Ordinance - Proclamation - Issued).

REFERENCE: G.O.No.550 (Ordinary) 29th August 1921.,
Public Department.

- - -

GOVERNMENT OF MADRAS

Public Department.

G.O.No.550, 29th August 1921.
MALABAR DISTURBANCES

Martial Law - Ordinance - Proclamation - Issued.

READ -- the following paper:-

TELEGRAM - From the Government of India, Home Department
Dated -- the 26th August 1921.
No. -- 2874.

- - - -

O R D E R - No.550 Public, dated 29th August 1921.

The Martial Law Ordinance, as received by telegraph, is printed as an annexure of this Order.

2. The following Proclamation will be published in an extraordinary issue of the Fort St. Geoerge and Malabar District Gazettes:-

PROCLAMATION
Martial Law -- Malabar

It is hereby proclaimed, under section 2 of the Martial Law Ordinance, 1921, that a state of Martial Law exists in the taluks of Calicut, Ernad, Walluvanad, Ponnani, Kurumbranad and Wynad in the district of Malabar.

(By Order of the Governor in Council)

N.E. MARJORIBANKS,

Acting Chief Secretary to the Govt. of ~~India~~ Madras.

3. The District Magistrate, Malabar, will have a large number of copies of the proclamation printed in English and Malay-Malayalam, in poster form, and cause them to be widely distri-

buted and posted at public offices and other public places throughout the affected area.

(By Order of the Governor in Council)

N.E.MARJORIBANKS,

Acting Chief Secretary.

- - - -

ANNEXURE.

An Ordinance to provide for the proclamation of Martial Law to empower Military authorities to make Regulations for administering it and to provide for other matter connected herewith.

WHEREAS AN EMERGENCY HAS ARISEN WHICH MAKES IT NECESSARY TO PROVIDE FOR THE PROCLAMATION OF MARTIAL LAW TO EMPOWER MILITARY AUTHORITIES TO MAKE REGULATIONS AND ISSUE ORDERS TO PROVIDE FOR THE PUBLIC SAFETY AND THE MAINTENANCE AND RESTORATION OF ORDER TO AUTHORISE THE TRIAL OF CERTAIN OFFENCES BY SPECIAL COURTS CONSTITUTED UNDER THIS ORDINANCE AND TO PROVIDE FOR OTHER MATTERS CONNECTED WITH THE ADMINISTRATION OF MARTIAL LAW.

NOW THEREFORE THE GOVERNOR-GENERAL, IN EXERCISE OF THE POWERS CONFERRED BY SECTION 72 OF THE GOVERNMENT OF INDIA ACT, IS PLEASED TO MAKE AND PROMULGATE THE FOLLOWING ORDINANCE:-

ORDINANCE No.11 OF 1921.

short Title. 1. This Ordinance may be called the Martial Law Ordinance, 1921.

Proclamation of Martial Law. 2. Martial Law shall be in force and the provisions of this Ordinance shall apply in the area which is specified in the scheduled and in such other areas as the Governor-General in Council, by notification in the Gazette of India, directs and in all such areas Martial Law shall be proclaimed by such means and in such manner as the Local Government may direct and shall remain in force in any such area until withdrawn by the Governor-General in

13

Council by notification in the Gazette of India whereupon the provisions of this Ordinance shall cease to apply in such area. Provided that no failure to comply with any directions of the Local Government as to the manner of proclamation in any area shall invalidate anything done in the administration of Martial Law in pursuance of this Ordinance in that area. Provided further that the validity of any sentences passed or of anything already done or suffered or any liablity incurred or indemnity granted in accordance with the provisions of this Ordinance shall not be affected by reason only of the fact that this Ordinance has ceased to in force.

Administration of Martial Law.

3. In any area in which the Martial Law is for the time being in force the Commander-in-Chief in India, or an Officer not below the rank of Major-General empowered by him this behalf, shall app-appoint one or more military officers not being lower in rank than Lieutenant-Colenel to be Military commanders to administer Martial Law any such officer being hereinafter referred to in this Ordi-nanceas the Military Commander and the Military Commander shall exercise his powers in respect of such area or such part thereof (hereinafter referred to as an administration area) as the appoint-ing authority may direct.

Regulations

4.(1) Subject to the provisions of this Ordinance the Military Commander shall have power to make regulations to provide for the public safety and the maintenance and restoration of order and as to the power and duties of Military officers and others in furtherance of that purpose.

(2) Such regulations may provide that any contravention ther-thereof or of any order issued thereunder or supplementary thereto shall be punishable with any punishment authorized by any law in force in any part of British India and any such contravention

shall for the purposes of this Ordinance be deemed to be an offence against a regulation or an order as the case may be.

(3) The power to make regulations shall be subject to the following conditions, namely:-

(i) In making any regulation the Military Commander shall inferfere with the ordinary avocations of life as little as may be consonant with the exisgencies of the measures which he deems to be required for the purpose of Martial Law.

(ii) Before making any regulation the Military Commander shall, if possible, consult the Senior Civil Officer in direct charge of the administration area in which he exercise the power but shall not be bound to follow his advice; and

(iii) the penalty, if any, for the contravention of a regulation shall be specified therein.

(iv) The Military Commander shall cause any regulation made by him to be published in such manner as he thinks best fitted to bring it to the notice of those affected and shall transmit through the normal channel a copy of every regulat on so made to the Commander-in-Chief, in India.

Martial Law Orders.

5.(1) The Military Commander may by order in writing empower any Magistrate or any Military officer of seven years' service not below the rank of a captain to make Martial Law orders in any part of the administration area for the purpose of supplementing the regulations in that area and the punishment for the contravention of any such order shall be that specified in the regulations for the contravention of a Martial Law order provided that no order shall be made which is inconsistent with the regulations.

(2) Every Magistrate or officer making a Martial Law order under sub-section (1) shall cause the same to be published in such a manner as he thinks best fitted to bring it [illegible] the notice of

of those effected.

(3) A copy of every such order shall as soon as may be be submitted to the Military Commander who shall have power to add to, modify or rescind any such order in such way as he thinks fit.

(4) Where a Military Commander has under sub-section (3) added to, modified or rescinded any such order he shall forthwith communicate the act to the Magistrate or officer who made the order and such Magistrate or office shall thereupon cause to be published in the manner hereinbefore mentioned the order as so added to or modified or the fact that the order has been rescinded as the case may be.

Courts under the Ordinance.

6.(1) Summary courts of Criminal jurisdiction may be constituded for the purposes of this Ordinance in any administration area in the manner hereinafter provided.

(2) The Military Commander may by general or special order in writing empower any magistrate appointed under the provisions of the Code of Criminal Procedure to exercise the powers of a summary court.

Limitation of Jurisdiction of summary courts.

7. No summary court shall try any offence unless such offence was committed --

(a) in the administration area in which such court was constituted, and

(b) after such date (whether before or after thedate of the proclamation of Martial Law in the area) as the Governor-General in Council may in respect of such area by notification in the Gazette of India direct in this behalf.

Trial of offences against regulations or Martial Law Orders.

8. (1)Every offence against a regulation or a Martial Law order which is triable by a summary court shall be tried by such court unless the Military Commander direc-directs that it be tried by the ordinary criminal courts.

(2) The ordinary criminal courts are hereby empowered to try any offence in respect of which a Military Commander has made a direction under sub-section (1) and any offence against a regulation or Martial Law Order which is not triable by a summary Court.

((3) Contraventions of any regulation or order made or issued in any area after the date notified in respect of that area by the Governor-General in Council under clause (b) of section 7 and prior to the enforcement of Martial Law by or under this Ordinance and shall be triable and punishable as if any sentence authorized by any such aforesaid regulation or order were))

(3) Contraventions of any regulation or order made or issued in any area after the date notified in respect of that area by the Governor-General in Council under clause (b) of section 7 of and prior to the enforcement of Martial Law by or under this Ordinance in that area by any officer acting in the exercise of military control for the purpose of providing for the public safety or the maintenance or restoration of order shall be deemed to be be offences against a regulation or a Martial Law order in force in that area under this Ordinance and shall be triable and punishable as if any sentence authorised by any such aforesaid regulation or order were sentence authorized by a regulation under this Ordinance.

Trial of offencec connected with events necessitating Martial Law

9.(1) Subject to the provision of Section 7 offences other than offences of the kind referred to in section 8 connected with the events which have necessitated the enforcemen or continuance of Martial Law or any class of such offences may, if the Mi itary Commander by general or special order so directs, be tried by summary courts:

(2) if any question arises whether or not an offence is an ~~an~~ offence of the nature described in sub-section (1) the decision of the summary court shall be conclusive on the point and such ~~deci-~~

21

decision shall not be question in any court;

(3) Military Commander or any authority empowered by him in this behalf may by general or special order give directions as to the distribution among the summary courts of cases to be tried by them under section 8 or this section.

Trial of other offences.

10. Save as otherwise provided in this Ordinance all ofences shall be dealt with by the ordinary criminal courts exercising jurisdiction in the administration area in the ordinary course of law.

Jurisdiction of ordinary civil courts.

11. The ordinary civil courts shall continue to exercise civil jurisdiction in the areas in which Martial Law is in force by or under this Ordinance, provided that no civil court shall exercise any jurisdiction by way of interference with any regulation or Martial Law order made under this Ordinance.

Procedure of Summary Courts.

12. In the trial of any case a summary court shall, as far as possible, follow the procedure laid down in the Code of Criminal Procedure, 1898 (Act V of 1898) -- trial of warrant cases and shall have all the powers conferred by the said Code on a magistrate in regard to the issue of processes to compel appearance and ~~and~~ to compel the production of documents and other movable property, provided that he court shall not be required to record more than a memorandum of the evidence or to frame a formal charge provided further that in the trial of any offence punishable with imprisonment for a term not exceeding one year the court may follow the procedure for the summary trial of cases in which an appeal lies laid down in Chapter 22 of the said Code.

Sentence by summary courts.

13. Summary court may pass any sentence authorised by law or by regulations under this Ordinance, provided that such courts shall not pass a sentence of imprisonment for a term ex-

23

ceeding ~~five~~ two years, or of fine exceeding one thousand rupees.

Jurisdiction of summary court.

~~12~~ 14.(1) No person shall be tried by a summary court for an offence which is punishable with imprisonment for a term exceeding five years.

(2) if a summary court is of opinion that the offence is disclosed is one which it is not empowered to try, it shall send it for trial to an ordinary criminal court having jurisdiction;

(3) if a summary court is of opinion that an offence which it is empowered to inflict, it shall stay proceedings and report the case for other orders of the Military Commander who may direct that the case shall be tried by a summary court or may send it to an ordinary criminal court having jurisdiction.

Legal practioners.

15. Every person accused of an offence before a summary court shall be entitled to be defended by a legal practitioner, provided that the court shall not ~~be required to grant an adjournment for the purpose of securing~~ be required to grant an adjournment for the purpose of securing the attendance of a legal practitioner if in the opinion of the court, such adjournment would cause unreasonable delay in the disposal of the case.

Exclusion of interference of other courts.

16.(1) Notwithstanding the provisions of the Code of criminal Procedure, 1898, (V.of 1898), or of any other law for the time being in force or of anything having the force of law by whatsoever authority made or done, there shall be no appeal from any order or sentence of a summary court and no court shall have authority to revise such order or sentence or to transfer any case from a summary court or to make any order under section 491 of the Code of Criminal Procedure, ~~1898~~ 1898(V of 1898), orhave any jurisdiction of any kind in respect of any proceedings of a summary court.

(2) The power of the Governor-General in Council or the

Local Government to make orders under Section 401 of section 402 of the Code of Criminal Procedure, ~~to make orders under~~ 1898 (V of 1898), shall apply in respect of persons sentenced by summary courts.

Limitation of power of summary court to whip.

17. Notwithstanding anything contained in sub-section(2) of section 4, no summary court shall pass a sentence of whipping for any offence against a Regulation or Martial Law Order except where the offender has in the commission of the offence used criminal force within the meaning of the Indian Penal Code, XLV of 1860.

Execution of sentence of whipping.

18. In the execution of any sentence of whipping passed by by a summary court the provisions of sub-section (2) of section 392 and the provisions of sections 392 and 394 of the Code of Criminal Procedure, 1898 (V of 1898) shall apply and every such sentence shall as far as possible be carried out in a place to which the public shall not be admitted.

Offence defined.

19. Unless there is anything repugnant in the subject or context the word 'offence' shall be deemed for the purpose of this Ordinance and of section 401 and 402 of the Code of Criminal Procedure, 1898 (V of 1898) to include an act which is or which under the provisions of this Ordinance is deemed to be an offence against a Regulation or a Martial Law Order.

Saving.

20. Nothing in this Ordinance shall be construed ~~as in~~ as in derogation of any powers for the maintenance of law and order excercisable by the Governor-General in Council or any other authority.

Validation of Martial Law Sentences prior to proclamation

21. Any sentence passed in any area after the date of notified in respect of that area by the

Governor-General in Council under Clause(b) of section 7 and prior to the enforcement of Martial Law by or under this Ordinance in that area in respect of any contravention of a regulation or order made or issued within the same period by any officer acting in the exercise of military control for the purpose of ~~proving~~ providing for the public safety or the maintenance or restoration of order shall be deemed to be as valid as if it were a sentence passed under this Ordinance in respect of an offence against a Regulation or a Martial Law order in force in that area under this Ordinance.

Proceedings not invalidated certain irregularities.

22. No sentence, finding or order passed by a summary court be invalid by reason only of any error, omission or irregularity in any proceedings before or during the trial unless such error omission or irregularity has in fact occasioned a failure of justice.

Protection of bonafied action.

23. No suit, prosecution or other legal proceedings whatsoever shall lie against any person for or on account of or in respect of any act, matter or thing ordered or done or purporting to have been ordered or done (a) under this Ordinance or (b) in the exercise of military control in any area for the purpose of providing for the public safety or the maintenance or restoration of order after the date notified in respect of that area by the Governor-General in Council under clause (b) of section 7 and prior to the enforcement of Martial Law by or under this Ordinance in that area provided that such person has acted in good faith and in a reasonable belief that his action was necessary for the said purposes: provided further that nothing in this section shall prevent the institution of proceedings by or on behalf of the Government against any person in respect of any matter whatsoever.

THE SCHEDULE (see section 2)

The area comprised within the following taluks in the Malabar district of the Madras Presidency, namely, Walluvanad, Ponnani, Ernad and Calicut.

READING

Viceroy and Governor-General.

Simla, the 26th August 1921.

Extracts from G.O.s relating to Non co-operation and Khilafat movement in (1920-25) Malabar rebellion (1921)

G.O.No.669, dated 26.9.1921, Judicial, Ordinary.(Series).

No. District Police Office,

Calicut, dated April, 1921.

From

R.H.Hitchcock, Esq.,

Supdt. of Police, S.Malabar.

To

The Inspector-General of Police,

Madras.

Sir,

I send the following report on a petty affray which occurred between the Police and some of the people connected with the Kerala Provincial Congress yesterday in Ottapalam. I report it because it appears letters are being written to the Hindu on the subject.

This new self-styled "Province" is unpopular with a considerable portion of the people, and they intended to discuss various controversial questions at the Conference, and the leaders from outside, as well as most from inside, Malabar are totally ignorant of the nature of the inflammable material with which they are playing, the Mappilla; I therefore sent the Cycle section of the Special Force, Malappuram to be in readiness should trouble arise; I was particularly careful that they should not be in evidence. They remained in a corner of the village at the Deputy Tahsildar's office and went out only for route marches in the early morning and that not through the village. The Conference began on 23-4-21 and was to have ended to-day 27-4-21. I was present in Ottapalam from 23-4-21. The Conference was from the point of view of attendance and enthusiasm a complete failure. The majority of the people had left by the 26th morning. It only remained then to hold the Students' Conference, a two day conference, for which there were 36 present. I accordingly left by mail at 11 a.m. on 26-4-21. The Special Force section with Mr. John were to remain at Ottapalam till 27-4-21. The village being nearly normal again I gave the Special Force permission to go out. As I was leaving the office to go to the Railway station a Special Force constable produced a young

man before me and said he had insulted him. The matter was only a petty one and I ordered the head constable to enquire into it and report to the A.S.P. The Police had throughout these days been subjected to several insults: a Shorthand Sub. Inspr. was insulted in the Conference pandal itself; the Sergeant with the Special Force party had been insulted on the main road running in front of the Deputy Tahsildar's office and all S.F. men had had to listen to insults and watch insulting gestures from the lowest strata of the population masquerading as volunteers. Sale of soda water had been refused to the S.Is. of the Shorthand Staff. They had all shown the utmost restraint.

On my arrival at Calicut Mr. Appu Nedungadi handed me a telegram he had received from the Agent of the branch of his Bank in Ottapalam. It is as follows:- "Town in trouble. Pray send help immediately. Bank closed." This was despatched at 11-20 a.m. I left the Railway station which is close to the Town only after 11 and some of the leaders were present at the Railway station. Everything was then normal. I was subsequently informed that a Vakil had spoken at the station of complaining to me of the ill-treatment of one of the hired band of rowdies by the Police, but for some unknown reason he did not do so. I was on the platform for several minutes before the train came and spoke to the Madras Mail Reporter and the Police Shorthand Instructor and saw Kunhi Thangal of Malappuram whom I have known for years, and who travelled by my train. I think he has forgotten me and I did not speak to him.

Mr. John reports to me this morning. The man produced before me as I was leaving the office for the Railway station was a Nayar, a Lieutenant of the Khilafat volunteers from Calicut. He was sent away by the head constable whom I ordered to enquire into the matter and at once went to the Conference pandal and gave his version of this petty occurrence, which induced an ex-Vakil Perumbilavil Ramunni

35

Menon of Ottapalam and Abdul Hameed Khan, Secretary of the Khilafat Committee, Madras to make a personal enquiry. The ex-Vakil ordered a few people at the spot to disperse and a constable who happened to be one of them questioned his right to act so on the public road. The Lieutenant of Volunteers then offered the constable 2 annas to go away, for which insult the three of them were beaten slightly. They returned to the Conference pandal and hurried through the items on the agenda for the Students' Conference, which closed at 2 P.M. instead of lasting 2 days.

Prakasam and Joseph, the leaders at the Conference being frightened to go home collected 500 people to escort them and were good enough to order this mob to proceed quietly, the customary shouts for Gandhi and others being dispensed with. The people dispersed and nothing further occurred. The shops had been closed part of the time, but most had re-opened on the afternoon.

Mr. John reports that no one takes any notice of the fact that Abdul Hameed Khan was beaten, but that P.Ramunni Menon is very incensed, this being his native place. He is said to have wired to his uncle Mr. Balakrishna Menon, the Deputy Superintendent and to have colloborated with the reporter of the Hindu.

There were to have been sports in the afternoon for the school-boys, but they all left by the evening train, probably glad of an excuse. There were very few and none who looked like athletes.

Prakasam was recording statements last night about the incident. He did not deliver his closing address at the Pandal, but proposed doing so last night in the small bungalow in which he is stopping.

Mr. John is stopping in Ottapalam with the Special Force till all have gone.

I have the honour to be,
Sir,
Your most obedient servant,
Sd./. x x x x ,
Supdt. of Police, S.Malabar.

/true copy/

37

QUESTIONS AND ANSWERS.

(1st August 1921.

CONDUCT OF THE POLICE AT OTTAPALAM.

136. Q.--Mr. C.V.VENKATARAMANA AYYANGAR: To ask the Hon'ble Home Member--

(a) if the attention of the Government has been drawn to the newspaper accounts of the recent alleged misbehaviour of the police at Ottapalam of the Malabar district and of the latter assaulting Khilafat and conference workers of note:

(b) If so, what action, if any, the Government have taken or propose to take in the matter; and

(c) whether the Government will be pleased to state if there is any ~~proposed~~ prospect of their considering the appointment of a committee to investigate the matter and report on it.

A.--(a) Yes.

(b) The attention of the Honourable Member is invited to the press communique on the subject issued on the 4th July 1921.

(c) The answer is in the negative.

/ true copy /

C ✓ 39

EXTRACTS FROM THE G.OS. RELATING TO Non-Co-operation & Khilafat Movement 1920 to 1925 IN THE MADRAS PRESIDENCY. Miscellaneous (Moplah Rebellion 1921).

ABSTRACT OF THE G.O.

Martial Law- Supplementary Ordinance 1921.

REFERENCE:-G.O.No. 596 (Ordinary) dated 16-9-1921 Public Dept.

ANNEXURE.

The Martial Law (Supplementary) Ordinance 1921.

Whereas an emergency has arisen which makes it necessary to supplement the provisions of the Martial Law Ordinance 1921.

Now therefore the Governor-General in exercise of the power conferred by section 12 of the Government of India Act is pleased to make and promulgate the following Ordinance:-

1 (1) This Ordinance may be called the Martial Law (Supplementary) Ordinance, 1921.

((2) It shall have the same extent as the Martial Law Ordinance, 1921 (hereinafter referred to as the Principal Ordinance), special tribunals may be constituted for the purposes of that Ordinance in any administration area or areas in the manner hereinafter provided.)

(2) It shall have the same extent as the Martial Law Ordinance, 1921 and shall apply also in any area in which the said Ordinance applies by virtue of a notification under section 2 thereof.

2. Notwithstanding anything contained in the Martial Law Ordinance, 1921 (hereinafter referred to as the Principal Ordinance), special tribunals may be constituted for the purposes of that Ordinance in any administration area or areas in the manner hereinafter provided.

3. A special tribunal shall consist of three persons who shall be appointed by the Local Government; the President of the tribunal shall be a person who has acted or is acting as a Judge of a High Court established under the Indian High Court Act, 1861, or the Government of India Act and the other two members shall be persons who have acted for a period of at least two years in the exercise of the powers of the Sessions

Judge under the Code of Criminal Procedure, 1898.

4. The provisions of sections 7,15,17,18,22,and 23 of the Principal Ordinance shall apply to special tribunals in the same manner and to the same extent as they apply to summary courts and for the purposes of this ordinance the word offence shall have the meaning ascribed to it by section 19 of the Principal (Ordinance provided that a special tribunal constituted in more administration areas than one shall subject to the provisions of this and the Principal Ordinance have jurisdiction in all such areas.

5. (1) Subject to the provisions of section 4 a special tribunal shall notwithstanding anything contained in the Principal Ordinance try such offences connected with the events which have necessitated the enforcement or continuance of Martial Law as the Local Gover ment may by General or special order in writing direct.

(2) If any question arises whether or not an offence is an offence of the nature described in sub-section (1) the decision of the special tribunal shall be conclusive on the point and such decsion shall not be questioned in any court.

(3) Special tribunals may pass any sentence authorized by law or by regulations under the said ordinance.

(4) When an accused person is sentenced to death by a special tribunal the President shall inform him of the period within which if he wishes to appeal his appeal should be preferred.

6. (1) A special tribunal may take cognizance of offences without the accused being committed to it for trial and in trying accused persons shall follow the procedure prescribed by the Code of Criminal Procedure, 1898, for the trying of warrant cases by magistrates provided that the special tribunal shall make a memorandum only of the substance of the evidence of each witness examined and shall not be bound to adjourn any trial for any purpose unless such adjournment is in its opinion necessary in the interest of justice.

(2) Nothing in the proviso to sub-section (1) shall be deemed to affect the provisions of section 15 of the Principal Ordinance as applied to the proceedings of special tribunals by this ordinance.

(3) A special tribunal shall have all the powers conferred by the Code of Criminal Procedure, 1898, on a court of session exercising the orginal jurisdiction.

(4) In the event of any difference of opinion among the members of a special tribunal the opinion of the majority shall prevail. xxxx

7. (1) Notwithstanding the provisions of the Code of Criminal Procedure, 1898, or of any other law for the time being in force or of anything having the force of law by whatsoever authority made or done there shall save as hereinafter provided be no appeal from any order or sentence of a special tribunal and no court shall have authority to revise such order or sentence or to transfer any case from a special tribunal or to make any order under section 491 of the said Code or have any jurisdiction of any kind in respect of any proceedings of a special tribunal and no order of confirmation shall be necessary in the case of any such sentence.

(2) An appeal shall lie to the High Cout in the case of any sentence passed by a special tribunal of death or of transportation for life or of imprisonment for a term of 10 years or m more and the provisions of the Indian Limitation Act, 1908 shall apply as though the appeal were an appeal to a High Court under the Code of Criminal Procedure 1898, from a sentence passed by a Co Court of Session.

(3) The power of the Governor-General in Council or the Local Government to make orders under section 400 or section 402 of the said Code shall apply in respect of persons, sentenced by special tribunals.

45

8. The Local Government may by notification in the local official gazette make rules providing for

(i) the times and places at which special tribunals may sit, and

(ii) the procedure of special tribunals including the powers of the President and the procedure to be adopted in the event of the President or any member being prevented from attending throughout the trial of any accused person.

9. The provisions of this Ordinance shall be construed with and read as part of the Martial Law Ordinance, 1921, and this Ordinance and the Principal Ordinance may be cited together as the Martial Law Ordinances, 1921.

READING,
Viceroy and Governor-General.

5th September 1921.

C ✓ 47

EXTRACTS FROM THE G.OS. RELATING TO Non Co-operation & Khilafat Movement 1920 to 1925.

IN THE MADRAS PRESIDENCY.

Miscellaneous (Moplah Rebellion) 12-10-1921

ABSTRACT OF THE G.O.

Mapilla Rebellion. - Martial Law - Special Tribunal - Supplementary Ordinanace, Section8 - Rules under - Approved.

REFERENCE:-G.O.No. 685(Ordinary) dated 12-10-1921, Public Dept.

The president of the special Tribunal appointed to try the accused in the Mapilla Rebellion, sent a draft supplementary ordinance., for the speedy trial of the accused without causing unnecessary delay due to some loopholes in the procedure, to the Government. The Government approved the draft and notified it in the Gazattee. The following ~~who~~ was the supplementary ordinance.

Order-No. 685, Public, dated 12th October 1921.

The Government approve the proposals made in the letter from the President of the Special Tribunal read above.

2. The following notification will be published in the Fort St. George and Malabar District Gazettes:-

Under section 8 of the Martial Law Supplementary Ordinance 1921, His Excellency the Governor in Council has made the following rules and they are notified for general information:-

Rules under section 8 of the Martila Law (Supplementary)Ordinance, 1921.

I. In the event of the President or any member being prevented from attending throughout the trial of any accused person the remaining Judges of the Tribunal may continue the trial the senior Judge presiding; if they agree they shall deliver judgment accordingly; in the event of any difference of opinion between them as to the finding in the case of any of the a accused there shall be a fresh trial of such accused before the whole Tribunal as soon as the President or member as the may be returns. If however they are agreed as to the finding and differ only as to the sentence to be fixed, in case of conviction, the opinion of the senior shall prevail.

II. If both the President and one member, or if both members are prevented from attending, the trial must be adjourned until either the President or the member returns or both.

III. In cases where a sentence of death is passed the warrant shall direct that the execution be carried out on a date six weeks after the date of sentence being pronounced and shall contain a clause noting that the accused has been informed he can appeal within seven days and directing the Superintendent of the Jail to ascertain if an appeal is ~~field~~ filed within that period and if so to suspend the execution until the order of the appellate court is received.

IV. The warrants in cases of sentence of death shall be signed by the three Judges of the Tribunal if they concur in the sentence, otherwise by two concurring Judges; a copy of the Judgment to be typed and sent along with the warrant to the Jail Superintendent.

V. All warrants in cases of transportation or imprisonment may be signed by the President alone or in his absence, by the senion member.

VI. The memorandum of evidence shall be recorded by the President or a member of the Tribunal, to be arranged by the President.

VII. The President will have the control of the Office establishment and make appointments thereto and grant leave and have the usual powers of the head of an office in respect of the establishment.

VIII. Copies of judgments in all cases, appealable or non-appealable, shall be printed as is done in sessions cases.

IX. In cases punishable with death the District Magistrate shall inform the Tribunal through the Public Prosecutor or otherwise, at least three days before the case is posted for trial whether the accused is possessed of means to engage a vakil; if not, the court shall engage a vakil for the defence at the cost of Government.

EXTRACTS FROM THE G.OS. RELATING TO NC O & Khilafat Movement (1920-25).

IN THE MADRAS PRESIDENCY. Miscellaneous (Malabar Rebellion -1921)

ABSTRACT OF THE G.O.

Civil Police - Malabar.

REFERENCE:-G.O.No. 742(Confl.)dated 14-10-1921, Judicial Dept.

The Government of India in a communique issued from Simla, about the Malabar Rebellion stated that in Malabar there were generally no civil police capable of maintaining the order which had been restored there by the military. This grave and unmerited slur cast upon the malabar police, inspite of its loyal and meritorious devotion to duty and service drning the rebellion naturally aroused much resentment in the ranks of the police in the Presidency Mr. R.H.Hitchcock the District Superintendent of Police South Malabar, Justly protested against the gross misstatement of facts and requested the Government that if this misleading communique issued by the Central Government could not be officially corrected, he might be relieved of the charge of the district in which he was considered incapable of maintaining order. The District Magistrate of Malabar and the Inspector-General of Police also wrote to the Government requesting it to take such action which would secure the matter being put immediately in the proper light by the Government of India. The Government of Madras issued the following order in this connection.

ORDER No. 742, Judicial, dated 14th October 1921.

His Excellency the Governor in Council feels certain that there was no intention in the communique referred to to reflect on the capacity of the civil police in Malabar. The concluding sentence of the communique is apparently merely an unhappily worded reference to the need for special Military Police armed with magazine rifles, For there can be no doubt that the operations of the Military have unfortunately not resulted so far in the restoration of law and order anywhere save in their immediate presence.

53

His Excellency the Governor in Council is glad to take this opportunity of acknowledging the very excellent work done by all ranks of the civil police in Malabar both in assisting the Military and independently.

3. The Government of India are being requested to issue a supplemental communique to correct the unfortunate impression that has been created.

(By order of the Governor in Council)

N.E. MARJORIBANKS,
Acting Chief Secretary.

- - - -

55

EXTRACTS FROM THE GLOS. RELATING TO Non-Co-operation & Khilafat Movement 1920 to 1925.

IN THE MADRAS PRESIDENCY. Miscellaneous (Mapla Rebellion 1921)

ABSTRACT OF THE G.O.

Martial Law - (Military Courts) Ordinance 1921 published.

REFERENCE:-G.O.No. 711 (Ordinary) dated 17-10-1921, Public Dept.

An Ordinance to provide for the constitution of military courts for the trial of certain offences committed in any area in which Martial Law is in force.

Whereas an emergency has arisen which makes it necessary to provide for the constitution of military courts for the trial of certain offences committed in any area in which Martial law is in force.

Now therefore the Govern-General in exercise of the powers conferred by section 72 of the Government of India Act is pleased to make and promulgate the following Ordinance.

Short title and extent. This Ordinance may be called the Martial Law (Military Courts), Ordinance 1921.

2. Subject to the provisions of this Ordinance and of the Martial Law Ordinance, 1921 a military court for the purposes of such trial shall be constituted in the same manner and shall be constituted in exercise the same powers and follow the same procedure as a summary general court-martial convened under the Indian Army Act, 1911, for the trial of a person subject to that Act who had on active, service committed an offence under that Act, and the provisions of that Act and of the rules made thereunder shall apply to and govern all such proceedings provided that any person exercising the powers of a Magistrate of the first class or of a Sessions Judge may be appointed a member of a military court under this Ordinance; provided further that a memorandum of the evidence given at the trial and the statement if any, made by the accused shall always be recorded.

(3) The finding and sentence of a military court under this Ordinance shall require to be confirmed by the convening

officer, provided that every sentence of death shall be reserved for confirmation by the General Officer Commanding the District

(4) The Military Commander may by general or special order in writing delegate his powers under this section to any officer not below the rank of Field Officer.

5. Subject to the provisions of this Ordinance, the provisions of sections 15,16,18,22 and 23 of the Martial Law

Application or Ordinance 2 of 1921.

Ordinance, 1921, shall apply to the proceedings of military courts under this Ordinance as they apply to the proceedings of summary courts under that Ordinance.

Reading,

Viceroy and Governor-General.

15th October 1921.

59

EXTRACTS FROM THE G.OS. RELATING TO NON-Co-operation & Khilaphat movement - 1920-25

IN THE MADRAS PRESIDENCY.

Miscellaneous (Mapilla Rebellion) (1921)

ABSTRACT OF THE G.Os.

Prisoners' train tragedy - Committee of enquiry - Functions of.

REFERENCE:.G.O.No. 858, (Confil) dated 6th December 1921, Pub. Dept.

GOVERNMENT OF MADRAS.

PUBLIC DEPARTMENT.

G.O.No. 858, 6th December 1921.

Mapilla Rebellion.

Prisoners' train tragedy - Committee of enquiry - Functions of.

Order No. 858, Public, dated 6th December 1921.

On receiving the news that a number of Mapilla-convicted prisoners had met their death while travelling by rail Tirur to Podanur on November 19th, the Government directed Mr. Knapp, the special Commissioner for Malabar affairs, to make a full enquiry into the matter. Subsequently they associated with him as a Committee three non-official gentlemen, namely, Messrs. Krishna Varma of Mankada, Manjeri Rama Ayyar and Sahib Bahadur Kalladi Moidutti Sahib. This Committee presided over by Mr. Knapp has been engaged in the enquiry since November 28th and has examined a number of witnesses as to the facts. The Government, however, do not desire merely a report of the bare facts. They expect from the Committee in expression of opinion as to the responsibility for the catastrophe; but if the Committee finds itself able to fix responsibility on any person or persons, that person or those persons should be given an opportunity of submitting any explanation they may wish to offer before the findings of the Committee as are laid before the Government in the shape of a final report; it should be made clear that there is no obligation to take advantage of this opportunity, if those concerned prefer to reserve their defence.

61

EXTRACTS FROM GOS RELATING TO N.C.S. & Khilafat Movement 1920-25 Mappila Rebellion

IN THE MADRAS PRESIDENCY.

Abstract of the GO.

(Mappilla Rebellion - Sanction for taking a cinema of the rebellion was granted.)

REFERENCE: G.O.No.741, dated 28-10-1921 (Ordinary); public Department.

-- -- --

The Government gave its sanction to Major Robinson, Recruiting officer Bangalore to take a cinema film of the Mappilla Rebellion with the ~~xxlix~~ view of displaying it both in India and abroad to collect funds for the victims of the rebellion in Malabar. The publicity officer sanctioned Rs.1,500 for taking the film.

-- -- --

63

EXTRACTS FROM THE G.OS. RELATING TO NCO and Khilafat Movement (1920-25)

IN THE MADRAS PRESIDENCY. Miscellaneous (Mapilla Rebellion -1922)

ABSTRACT OF THE G.O.

Economic conditions - mopla women and children - in Walluvanad and Ernad.

REFERENCE:-G.O.No. 278(Confl)dated 28-3-1922., Public Dept.

To the Honourable Mr. A.R.Knapp, O.B.E., C.I.E., I.C.

Special Commissioner,

M A L A B A R.

Sir,

With reference to your request to investigate into the economic conditions of Mopla women and children in the taluks of Ernad and Walluvanad, the Committee consisting of Messrs. Khan Bahadur Kalladi Moidutti Sahib, the Malappuram Kazi Muthu Koya Thangal, Abbas Ali and Koyassan Koya Haji met on the 5th at Calicut and decided to tour round the above-named taluks and report its conclusions to you.

V. From the evidence of the 82 witnesses who were examined the Committee gathered that in the 82 Amsams some 4964 people have either been convicted or are under remand and that 1250 people were shot dead and calculating on the basis that there are five dependents for every adult convicted or killed there are 30,330 women and children who were dependent upon them are practically ~~and~~ without any work.

VI. It was further brought to the notice of the Committee that in the two Taluks of Walluvanad and Ernad Over 6000 had been shot dead and 7000 had been convicted and 4000 were under remand, thus making a total of 17000 and working on the basis of 5 women and children for every one of the 17,000 there were 85,000 women and children who were dependent upon them without any one to maintain and support them.

65

VII. The committee submits that it cannot vouchsafe for the correctness or the veracity of the above statements as it had neither the means nor the opportunity to verify or check the above figures. However making allowances the Committee is of opinion that there are 70,000 women and children (in great distress) who are in need of immediate and urgent relief.

VIII. The Committee though it did not come across any case of actual starvation nor hear of any found that the majority of women in the various amsams in tatters and rags, the boys and girls practically naked. The children appeared to suffer from all sorts of ailments due to bad nutrition and want of timely meals. The women though they did not actually show signs of emaciation appeared very much care-worn, distressed and were crying for the return of their dear and near and made the Committee to understand that they cannot hold out long without outside help.

IX. The Committee is of opinion that unless immediate steps are taken to relieve the distressed for the next 2 or 2½ months there will be actual starvation as they found in most of the amsams they visited these women had practically nothing to live upon.

X. The Committee wishes to bring to your notice the case at? When some 200 women and children are given Kanji does at noon, a portion of which is saved for the night beyond which they have nothing to eat.

XI. The committee suggest the opening of grain stores in important centres like Perintalmanna, Malappuram, Manjeri Nilambur and Melattur.

XII. mMost of the Moplah women represented to the Committee that the Hindus are preparing false lists and in persuance of these numerous arrests were being made periodically to such an extent that in some amsams wholesale arrests of all adult males were made thus adding most actuely to the distress already prevailing.

Calicut, 14th Feb. '22.

We have Etc.,

Sd/ 1.Khan Bahadur Kalladi Moidutti Sahib.
& others

67

EXTRACTS FROM THE G.OSL RELATING TO Non-co-operation & Khilafat Movement (1920-25)

IN THE MADRAS PRESIDENCY. ~~Malabar (Miscell~~ Miscellaneous (Malabar rebellion - 1922).

C✓ ABSTRACT OF THE G.O.

Mapilla Train Tragedy.

REFERENCE:-L.No. 181-S (Confl.)dated 31-3-1922, Public Dept.

STRICTLY CONFIDENTIAL.

GOVERNMENT OF MADRAS.

PUBLIC DEPARTMENT.

Letter No.181-S, 31st March 1922.

Mapilla Train Tragedy.

READ-the following paper:-

Letter -from A.R.Knapp, esq., C.S.I., C.B.E., I.C.S.,
Special Commissioner for Malabar Affairs
c/o The Collector, Calicut.
Dated:-The 22nd January1922.
No. - T.

I have the honour to submit the report of the Committee appointed to enquire into the death of certain Mapilla prisoners in the train on the 19th November last.

Enclosures
(1)
A photograph of the van.
(2)

Summary of the REPORT OF THE COMMITTEE APPOINTED ~~APPOINTED~~ TO ENQUIRE INTO THE DEATH OF CERTAIN MAPILLA PRISONERS.

As requested by the Government and with reference to the G.O.No. 858, Public, dated 6th December 1921, we have the honour to submit the report of our enquiry into the death of certain Mapilla prisoners on the journey from Tirur on the 19th November 1921.

2. We have examined in all 62 witnesses. Their evidence was taken in public except in the case of the surviving prisoners who were in the Coimbatore Jail hospital. Acting under medical advice we examined these in the presence of the jail officials only; but copies of their statements were handed to the press. In addition to the evidence which we have ourselves recorded we have had the advantage of seeing the records of the joint enquiry held by the officers of the south Indian Railway.

We find----

(1) that the death of the prisoners was due to asphyxia caused by confinement in a van in which the ventilators were insufficient and were moreoever blocked with paint and dust;

(2) that neither Sergeant Andrews nor the Sub-Magistrate of Tirur can be held to blame for following a practice already established and continued by superior authority, in accepting L.V. 1711 for the conveyance of prisoners on November the 19th; and that the use of a van which was in fact unfit for the conveyance of 100 ~~xpxt~~ prisoners, owing to the condition of the gauze lining was, so far as they were concerned purely accidental and not due to their negligence;

(3) that the use of ventilated luggage vans for the conveyance of prisoners in an emergency was not per se objectionable, and that it implied neither inhumanity nor any deliberate indifference to the right of the Mapilla prisoners to the same treatment as other prisoners; but the practice of using such vans should have been abandoned as early as possible or should have been brought under proper regulation and in so far as the practice contributed to the final disaster responsibility falls on Mr. Evans the Special Civil Officer under whose authority the removal of prisoners was conducted:

(4) that an obligation to see that the conveyances used for prisoners were resonably fit for such use lay upon the Railway Company and on their local representative, Mr. Reeve, the Traffic Inspector and that it is on them that the main responsibility for the catastrophe must lie; and

(5) that Sergeant Andrews was guilty of negligence in failing to take note of the condition of the prisoners while on the journey, as evidenced by the exceptional clamour which they made; had he done so the disaster would have been averted or at least its consequences mitigated.

DRAFT LETTER TO THE GOVERNMENT OF INDIA.

On 19th November the Sub-Divisional Magistrate Malappuram wired to the Sub-Magistrate at Tirur that he had despatched a party of 200 prisoners to Tirur. The Sub-Magistrate, who had his sub-jail dangerously overcrowded, had received verbal instructions from Mr. Evans to despatch prisoners whose sentences permitted of it in batches of 100 to the Bellary jail and these were confirmed when he represented his difficulties by telegram. The prisoners arrived under an escort of the Dorest regiment and were taken into the jail and fed. Meanwhile Sergeant Andrews, the escort Sergeant on duty had been asked to arrange for transport. He saw Mr. Reeve, the Traffic Inspector who offered luggage van No. 1711, which was then in a siding and a smaller one. The Sub-Magistrate asked how many prisoners could be loaded in the two wans. Mr. Reeve replied that that was for the Sub-Magistrate to decide. Eventually it was decided to send 100 in van No. 1711. The van was filled with telegraph materials. These were taken out and the van disinfected and the prisoners put in at about 7 p.m.

8. The van was attached to the 7.15 train. The head-constable and constables travelled in the compartment next to it, the sergeant in a second-class compartment nearer to the engine. The events of the journey are fully discussed by the committee. The evidence is discrepant. There can, however, be no doubt that the prisoners cried out and that the head constable and constables and the sergeant though perhaps in a less degree, were aware that they were in distress. Arrangements were made to give them water at Podanur but when the van was opened for this purpose it was found that they were nearly all unconscious or dead.

9. Two inquiries were held immediately - one by the railway authorities the other by the committee which was presided over by Mr. Knapp, the special commissioner for Malabar Affairs. These enquiries disclosed a fact of which the ordinary layman was unaware namely, that the venetians or louvres which to outward appearance afford ventilation to the vans are covered inside by wire gauze, to prevent sparks from the engine passing through. In van No. 1711

this wire guaze had been choked with paint so that when the doors were shut the van was practically an air tight box, and this was the cause of death.

10. Taking events in the reverse order, the committee find Sergeant Andrews and the men of the escort guilty of culpable neglect; the railway company responsible for tendering and supplying vans for the conveyance of prisoners without sufficient examination or inquiry, and in particular for sanctioning the use of the ill-fated van and for the consequences that followed: the Traffic Inspector, Mr. Reeve, subject to any administrative rules which w would transfer the responsibility to any other officer immediately responsible for tendering the ill-fated van; and the civil Adviser th the Military commander Mr. Evans, responsible in so far as the practice of using luggage vans contributed, as a more remote cause, to the final disaster.

11. The Government have no hesitation in accepting this op opinion so far as Sergeant Andrews and the men of the escort are concerned. They are advised that the sergeant is liable to criminal prosecution under section 304-A Indian Penal Code, and section 128 of the Indian Railways Act and they propose to call upon him to show cause why a prosecution should not be instituted under these sections. As regards the head constable and constables the opinion of the Advocate-General is that they could not act without orders from the sergeant and that therefore the doctrine of respondeat superior absolves them from criminal liability. In view of the fact that they travelled in the carriage next to the van, stood guard over it at stopping stations and are themselves Malayalis, while the sergeant knows only a few words of that language, the Government accept this opinion with regret. They will be dealt with departmentally as soon as the result of the prosecution is known.

12. The Government are advised that Mr. Reeve, the Traffic Inspector, is also liable to prosecution, but in view of the proviso which is attached to the finding in his case by the

committee and of the opinions expressed in the letter from the Agent which is attached, they hesitate to proceed against this subordinate officer until the general question of the responsibility or otherwise of the company and its officers has been more fully examined.

13. As regards the sub-Magistrate, the Government with some hesitation have come to the conclusion that he cannot be held to be formally responsible for the dispatch of the prisoners in an unsuitable van, but they consider that an officer with a higher sense of duty would have assumed such responsibility, even though it may not have been formally laid upon him.

14. As for the further opinion of the committee that the responsibility for the practice must lie upon Mr. Evans, the Government are more doubtful, On the evidence recorded, it appears to them that of the officers under their control Mr. Hitchcock must bear an equal share of responsibility with Mr. Evans. It is true that he was incessantly engaged in military operations. That is an extenuating circumstance. But escort of prisoners is in normal times a matter for the police, and so far as any police organisation remained in the area under martial law, he appears to have been in charge of it; the escorts seem to have been under his control and on one occasion he supervised the dispatch of prisoners and gave orders as to the manner of guarding a van.

15. While the Government are disposed on the evidence before them to impose an equal share of responsibility on the two officers who are under their control it seems to them that there are two other authorities upon whom in the absence of anything to the xxxxxxx contrary, an equal or greater share of responsibility must be placed. The first of these is the Military Commander. He was the authority ultimately responsible for the administration of the area under martial law. He appears to have taken the responsibility, on the ground of military necessity, of rejecting the usual means of transporting prisoners. He does not appear to have directed any medical or other officer to satisfy himself that in respect of ventilation and sanitation the alternative provided was satisfactory. These are matters that appear to the Government to need explanation.

16. The second authority in question is the Railway Company. The Committee of railway officers say that no senior railway officer was consulted or was aware that vehicles that were not certified for the conveyance of human beings even in an emergency were being used for such a purpose. The Government find it difficult to accept this contention. The system was in operation for months. Prisoners were carried in closed vans by thousands. The District Traffic Superintendent was certainly aware of the circumstances. The regular supply of vans to Tirur seems to indicate that some superior authority must have been aware of the use for which they were sent. And if this is so, it seems to be a matter for explanation why vans sent for such a purpose were not structurally altered so as to make them fit for it, and why van No. 1711, which was wholly unfit, was sent to Tirur at all, if it was sent with the knowledge that it was likely to be used for the conveyance of prisoners.

17. It has been indicated above that the immediate cause of death was the dispatch of the prisoners in a van which was practically an ~~ix~~ air-tight box, coupled with failure on the part of the escort to attend to their outcry; that a remoter cause was the practice of using such vans; that that practice arose under circumstances which made it permissible at the time; that it was altered in an objectionable manner under circumstances that have not been fully elucidated; that it continued without specific authority from or even knowledge of the senior officers and that the responsibility for its alteration and continuance appears to rest between the Military Commander, the Civil Adviser the District Superintendent of Police, and the authorities of the Railway. None of these persons have been formally placed on their defence and in so placing them and attempting to assess responsibility for this deplorable accident, the Government of Madras find themselves faced with a difficulty which seems to ~~rener~~ render it impossible for them to deal finally with the case or to pass any

immediate orders except those already indicated in the case of the escort. They have no authority to call for explanation from the Military Commander or to put the Railway Company on their defence. At the same time it appears to them undesirable in the last degree to attempt to assess the responsibility of their own officers without knowing the case of the others. In short it appears to them that the only equitable way in which responsibility can be assessed is by a tribunal which can examine the case as a whole. The Government of India have indicated a suitable means of dealing with such cases in their proposals relating to the Public Serviee Commission in which they suggested that Local Government might find it desirable to employ the Comission occasionally for the investigation of allegations of misconduct by officials of the specially important character. What the Government of Madras would propose is that a small commission of this sort should be constituted with which His Excellency the Commander in Chief and the Railway Board should be asked each to associate an officer and that the tribunal so formed should be given authority to place all the persons concerned on their defence and to assess the responsibility for the practice of using vans after receiving the explanation of all concerned. They would further suggest that the prosecution of Mr. Reeve should stand over until it has been ascertained whether any and if so what share of responsibility for supply of the ill-fated van attaches to his superior officers.

They have already made public their intention of paying a sum of Rs. 300 apiece as compensation to the familixes of the deceased prisoners.

EXTRACTS FROM THE G.OS. RELATING TO Non-Co-operation & Khilafat Movement 1920 to 1925

IN THE MADRAS PRESIDENCY Miscelleaneous (Maplah Rebellion 1922).

ABSTRACT OF THE G.O.

Train Tragedy - Families of deceased - Compassionate grant-sanctioned.

REFERENCE:-G.O.No. 290 (Ordinary)dated 1-4-1922. Public Dept.

GOVERNMENT OF MADRAS.

PUBLIC DEPARTMENT.

G.O.No. 290, 1st April 1922.

Mapilla Rebellion.

Train Tragedy - Families of deceased - Compassionate grant - Sanctioned.

Order-No. 290, Public, dated 1st April 1922.

The Government have had under consideration the question of granting compensation to the wives and children of the Mapilla prisoners who lost their lives in the train tragedy in November 1921. It is true that even if these men had not met such a tragic fate, their families would still have been deprived of their support for a considerable period and could not have expected any assistance from the Government. On the other hand His Excellency the Goveror in Council recognizes that the men suffered beyond what the punishment for their misdeeds involved, and he feels that in the circumstances of the case some special consideration is due to their dependants. He is accordingly pleased to sanction a ~~xxxxidxxx~~ compassionate grant of Rs. 300 to the families of each of the 70 deceased prisoners as shown in the annexed statement.

2. The expenditure of Rs. 21,000 will be debited to the head "45 Superanuaation Allowances and Pensions" - and will be met from the grant from 1922-23 under that head.

2. The District Magistrate will arrange to disburse the grants to accredited representatives of the families.

(By Order of the Governor in Council)

R.A.Graham,
Acting Secretary.

EXTRACTS FROM GOS RELATING TO N.C.S. & Khilafat Movement 1920-25

IN THE MADRAS PRESEIDENCY. Mappilla Rebellion 22

Abstract of the GO.

(Mappilla Rebellion - Forcible Conversion of the Assistant Commissioner, Salt & Abkari and his family - Deportation of 90 Prisoners to Rajahmundry Jail.)

REFERENCE: G.O.No.440 (Ordinary) dated 20-5-1922: Public Department.

-- -- --

The Collector of Malabar recommended to the Government the removal of about ninety Mappillas outside the district on the ground that they took part in the forcible conversion of P. Kamu Menon retired Assistant Commissioner, Salt and Abkari, department along with 24 members of his family to Islam upon threat of death. The District Magistrate stated that their continued presence in the Melmuri amsam, would be quite dangerous to the safe return of Kamu Menon and his dependents. The Government agreed with the proposal of the District Magistrate and passed orders for their transfer to the Rajahmundry Jail under Madras State Prisoner's Regulation 1819.

-- -- --

85

EXTRACTS FROM THE G.OS. RELATING TO NCS and Khilafat movement (1920-25)

IN THE MADRAS PRESIDENCY.

Miscellaneous (Mapilla Rebellion -1922)

ABSTRACT OF THE G.O.

Mapilla Rebellion - Prisoners - Sentences - Suspension of Conditional - 639 cases sanctioned.

REFERENCE:-G.O.No. 681(Confl.) dated 21-8-1922, Public Dept.

GOVERNMENT OF MADRAS.

PUBLIC DEPARTMENT.

G.O.No. 681, 21st August 1922.

Mapilla Rebellion - Prisoners - Sentences - Suspension of Conditional - 639 cases - Sanctioned.

Order No. 681 Public dated 21st August 1922.

Among the Mapillas now undergoing imprisonment for offences committeed in connexion with the rebellion there is a considerable number convicted in the early stage of the rebellion of crimes which though serious in themselves, may yet, be regarded as of minor gravity. His Excellency the Governor in Council after consultation with the local officers in Malabar, has resolved as an act of grace to review the sentences in such cases and to release from imprisonment those of the offenders who may be regarded as having been now sufficiently punished for their crime. The suspension of the sentences will be on condition of good behaviour and the concession will not be extended to any prisoner whose return to his home appears likely to involve risk to the peace of the district.

In accordance with the forgoing decision His Excellency the Governor in Council directs, under section 401 of the Criminal Procedure Code that the sentences of the prisoners named in the annexure be now suspended on condition of good behaviour during the period covered by the original sentence in each case.

(By order of the Governor in Council)

R.A.Graham,

Chief Secretary.

87

EXTRACTS FROM THE G.OS. RELATING TO NCO & Khil. movements (1920-23)

IN THE MADRAS PRESIDENCY. Miscellaneous (Moplah Rebellion -1922).

ABSTRACT OF THE G.O.

Mapilla Train Tragedy - Final Orders - Governement of India - resolution - Recorded.

REFERENCE:-G.O.No.734(Confil.)dated 12-9-1922, Public Dept.

CONFIDENTIAL

GOVERNMENT OF MADRAS.

PUBLIC DEPARTMENT.

Part III

G.O.No. 734, 12th September 1922.

Mapilla Train Tragedy - Final Orders - Government of India resolution recorded.

Resolution of the Government of India, Home Department ~~(General)~~ (Political) dated Simla, the 30th August 1922 No. 1392.

On the 21st November last the Government of India learnt with profound horror and regret of the death on the journey from Tirur on the 19th November of a large number of Mapilla prisoners who were being conveyed to Coimbatore. In the interval that has since elapsed the circumstances of this deplorable tragedy have been the subject of prolonged investigation. A joint inquiry was held by the Railway authorities on the 24th and 25th November; and a separate and fuller investigation was conducted later by a committee appointed by the Madras Government and consisting of the Hon'ble Mr. Knapp and three Indian non-official gentlemen. The report of this committee was submitted to the Madras Government towards the ~~mid~~ end of January last. Some further inquiries were subsequently instituted by the Local Government with a view to elucidating certain points arising out of the report and it has also been necessary to obtain from England the explanation of one of the officers concerned. Te issue of orders on the report of the committee has thus been unavoidably delayed. These orders would ordinarily have been passed by the Local Government but the persons whose responsibility had to be determined include not only officers serving under that Government but also the Military Commander and the Railway authorities; it would be difficult

if not ~~possib~~ impossible to make any pronouncement regarding the former without implying conclusions regarding the latter; and it has therefore been decided with the concurrence of the Madras Government that the whole case should be dealt with by the Government that the whole case should be dealt with by the Government of India who alone are in a position to pass judgment on all the issues involved. The Government of India have given to these issues their most careful consideration, and they are now in a position to announce their conclusion.s.

The Government of India concur in the view of the committee that the use of luggage vans for the conveyance of prisoners in such an emergency was not in itself objectionable or inhuman.

The use of the luggage vans undoubtedly gave the overworked police much needed relief; as already shown it involved no serious risk provided that there was ventilation; and in these circumstances the Government of India cannot regard the continuance of the system as unjustified.

They agree however with the committee that the practice of using vehicles of this exceptional type which were never intended for the conveyance of human beings should not have been left to the unregulated discretion of subordinates, but should have been brought under proper regulation. They concur also in the view of the committee that for the omission to take this precaution the Military Commander cannot be held responsible.

The object of martial law is to restore order. The proclamation of martial law did not therefore, involve the automatic and complete supression of the whole civil administration nor the automatic transfer to the Military Commander of responsibility for the operations of such civil departments or organisations as were still working. The civil authorities were not divested by the proclamation of martial law of all authority of their own but subject to such measure of limitation, regulation or control as the Military Commander might for the purpose of restoring order impose, were responsible for the manner in which the work

of the departments, which were still functioning, was discharged. The removal of prisoners from one jail to another jail was ~~disx charged~~therefore a matter for the civil authorities,. It is true that the Military Commander was present at and took part in the discussion regarding the selection of L.V.1716 on the 2nd September but his concern in that decision was limited to the question of security, and did not extend~~(his concern in that decision was limited to the question of security, and did not extend)~~ to the suitability from the point of view of health and sanitation of vehicles of this class for the conveyance of human beings. The Government of India have accordingly no hesitation in exonerating the Military commander.

The care and escorting of prisoners is normally a function of the police, and the escorts were in fact provided Throughout ~~thourhhout~~ by the Superintendent of Police. Mr. Hitchcock was during the period of question constantly employed with troops in active warfare, but it has since been ascertained that he was aware that large numbers of prisoners were regularly being conveyed from Tirur in luggage vans,... In these circumstance the Government of India cannot accept the conclusion of the committe that it was impossible for Mr. Hitchcock to have had time or opportunity to give personal attention to the local arrangements at Tirur.

Mr. Evans' appointment was that of Civil Adviser to the Military Commander. The duties of this post do not seem ever to have been definitely and precisely formulated. Instructionsw were however, undoubtedly issued by Mr. Evans in regard to the distribution of prisoners. It is clear therefore, that Mr. Evans co could had it occurred to him to do so, have issued orders regulating the conditions to be observed in regard to the conveyance of prisoners in luggage vans.

The Government of India have carefully considered the explanations which have been submitted by these officers. They appreciate the admirable services rendered during the rebellion

by Mr. Evans and Mr. Hitchcock; and they recognize the arduous character of the work which devolved upon them. Mr. Hitchcock as already stated was constantly engaged in military operations and Mr. Evans' duties were multifarious and exacting. Moreover the only vans with which they were directly acquainted, namely those despatched on the 2nd and 3rd September, were vehicles to the use of which no exception can be taken; and the accidental defects in L.V.1711, which were the direct cause of the disaster could not have been foreseen. Nevertheless, the Government of India cannot but greately regret that neither of these officers took steps to ~~rbin~~ bring the practice of conveying prisoners in these luggage vans under proper regulation. Had it been laid down that a responsible civil officer should in consultation with the Railway authorities satisfy himself that the ventilation of each van was adequate for the number of prisoners despatched in it, it is almost certain that no loss of life would have occurred. As between Mr. Hitchcock and Mr. Evans, the Government of India think ~~xxx~~ that the larger share of responsibility attaches to Mr. Evans, who was constantly at Tirur had therefore greater opportunities for looking into the arrangements at that place for the transport of prisoners, and was the superior officer.

The evidence at present available is not sufficient to enable the Government of India to determine what measure of responsibility if any attaches to the south Indian Railway Company On this point a further enquiry is required and will be conducted by the Hon'ble Mr. Knapp whose services are being lent to the Government of India by the Madras Government for this purpose, and by Lieutenant-Colonel Barnardiston, the Senior Inspector of Government Railways, and the Government of India will reserve their conclusions till the report of these officers has been received and considered.

The Government of India accept the finding of the committee that no responsibility can be imputed to the sub-magistrate of Tirur The submagistrate had himself no occasion to inspect the vans, and

95

the general regulation of the system of transporting prisoners from Tirur was not one of his functions. They cannot however, agree with the Committee that Sergeant Andrews cannot be blamed for using this particular van. As the police officer in charge he should not have limited his inspection of the van to the question of security but should have satisfied himself that the accomodation was suitable for the conveyance of the prisoners. The Government of India consider that in omitting to take this precaution he was reprehensibly negligent. In this respect Mr. Reeve, the Traffic Inspector, must be held to have been still more blameworthy. The suggestion that the van was made over by him under a requisition which could not be questioned is entirely unsupported by the evidence and was rightly rejected by the committee. According to his own statement Mr. Reeve was asked for accommadation for 200 prisoners; he replied that two vans were available thereby clearly implying that these were suitable; he subsequently handed over L.V. 1711 of which he had made no previous examination whatever; and he saw the prisoners placed in the van. That he should have examined the van is in the opinion of the Government of India indisputable and they can only regard his failure to do so as an ommission amounting to culpable negligence. At the same time they think it only fair to add that this conclusion has been reached on the evidence available and that owing to his death Mr. Reeve could not be given an opportunity of offering any formal explanation which he might have desired to put forward.

The events on the journey are fully discussed by the Committee. They are not inclined to blame Sergeant Andrews for omitting to make beforehand any arrangement for opening the van doors at Shoranure or Olavakot, but they see no reason to doubt the statements of the prisoners that they had called out for water at every station. There is clear evidence, they state that at Shoranur there was considerable clamour for air and water from the prisoners van. Sergeant Andrews himself admits that he heard them asking for water and the head constable and constables also heard them. At Olavakot there is independent testimony.

97

that the noise from the van was such as to suggest that the ~~pr~~ prisoners were in distress. The committee observe that it is not possible to define with compelete certainty the nature of the clamour made by the prisoners but they cannot avoid the conclusion that the shouting and moaning and calling for water, and air must have been so exceptional and so striking that they ought to have attracted the special attention of the sergeant and his escort. The Government of India concur in this conclusion. They do not wish to dispute the view of the committee that Sergeant Andrews was not guilty of deliberate inhumanity, but they consider that in disregarding the cries and failing to investigate for himself the reasons for what must in the words of the Committee have been a very unusual clamour both in its extent and nature, Sergeant Andrews displayed culpable negligence, They also agree with the committee that the head constable and constables who failed to convey to Sergeant Andrews the clearer understanding of the position which their better knowledge of the language must have given them must share in this condemnation.

The Government of India have instructed the Government of Madras that a prosecution should be instituted against Sergeant Andrews. It will rest with that Government to decide what action in view of the findings above recorded should be taken in regard to the head constable and constables.

In conclusion the Government of India desire to express their deep sympathy with the families and relatives of the unfortunate men who perished in this lamentable disaster. In large part that disaster was the result of circumstances for which no one can be blamed - the accidental defect in the construction of L.V.1711 and the disturbed conditions in Malabar, which necessitated the employment for the conveyance of prisoners of this type of vehicle. In part however, responsibility rests in greater or lesser degree on some of the officials concerned. The Government of India have sought in this resolution to assign and to measure that responsibility as impartially and as accurately as it lay in their power to do.

99

ORDER - No. 734, Public, dated 12th September 1922.

Recorded.

2. The Government wish to take this opportunity of recording their appreciation of the manner in which all the members of th the Committee of Enquiry appointed under the chairmanship of the Hon'ble Mr. A.R.Knapp, C.S.I., C.B.E., I.C.S., dealt with an extremely difficult subject. Their able and impartial report has proved of the greatest assistance in formulating the conclusions which have eventually been reached in this most deplorable affair.

3. The Hon'ble Mr. A.R.Knapp is requested to arrange in consultation with Lieut. Col. E.Barnardiston, D.S.O., R.E., to hold the further enquiry asked for by the Government of India into the question of the responsibility attaching to the Railway Company and to submit a report to the Government of India through the Government of Madras as soon as possible.

4. The Inspector General of Police is directed to arrange for the institution of criminal proceedings against Sergeant Andrews and the police escort who travelled with him from Tirur to Podanur, under section ~~306~~ 304-A Indian Penal Code and section 128 of the Indians Railways Act. A complaint should be filed by the Public Prosecutor before the District Magistrate Coimbatore and the Inspector General should arrange for the instruction of the public Prosecutor. The complaint should be submitted to Government for scrutiny before it is actually laid.

(By order of the Governor in Council)

R.A.GRAHAM,
CHIEF SECRETARY.

101

EXTRACTS FROM THE GOS RELATING TO N.C.S & Khilafat Movement 1920-28
IN THE MADRAS PRESIDENCY. Mapilla Rebellion 1922

Abstract of the G.O.

(Mapilla Rebellion - Pattamtakah Kunbalan of Tanur - Proposed action under Madras State Prisoners Regulations 1819 Not approved.)

REFERENCE: G.O.No.1003 (Confidential) dated 1-12-1922, Public Department.

Pottentakah Kunhalan of Tanur on charge of waging war against the king, was tried convicted and sentenced to death by senior Special Judge, but had been acquitted by the High Court on appeal on the basis that the identification of the person was not clear and the undue delay in arresting the accused and bringing him to trial raised doubts regarding the genuine nature of the prosecution's case. On his release the District Magistrate of Malabar recommended that action against him might be aken under the Mapilla Act. He stated that t e person was a dangerous fanatic and his presence would endanger the peace and order of the District But the Government declined to act up to his advice and instead asked the I.G. of Police to see that he was carefully watched in future. Mr. A.R.Knapp a member of the executive Council of the Government however differed from the decision ofthe Government and wrote a minute disagreeing with the decision of the Executive Council in disregarding the advice of the District Magistrate in the matter.

103

EXTRACTS FROM THE G.OS. RELATING TO NCO and Khil. Movement (1920-25)

IN THE MADRAS PRESIDENCY. Miscellaneous (Mapilla Rebellion - 1923).

ABSTRACT OF THE G.O.

Reference:-G.O.No. 18, 11th January 1923,(Confl) Public Dept.

GOVERNMENT OF MADRAS.

PUBLIC DEPARTMENT.

G.O.No. 18,11th January 1923.

Mapilla Rebellion.

Prosecution of rebels - Action under Regulation II of 1819

Policy to be adopted.

Read the following papers:-

I

Letter from R.H. Ellis, Esq., I.C.S., District Magistrate of Malabar to the Chief Secretary to Government, Public Department dated Calicut, the 29th October 1922, No. Ref. 11775- Confdl.

Mapilla Rebellion-Prosecutions - Policy - Suggested action- Under Mapilla Act.)

It has been physically impossible to prosecute rebels for all the offences committed by them. Hitherto the policy has been to prosecute the dangerous men in two cases before Special Magistrates and get a total sentence of between 12 and 14 years passed upon each of them. The charging and prosecuting in the second case however entails in many cases some delay and also delays the disposal of first cases against other rebels, with consequent congestion in the local jails. In order to speed up the disposal of cases, I have arranged with the District Superintendents of Police that a conviction in one case will for the future be considered sufficient in the first instance, and that at some future date before the sentence expires the police should go into each man's cases and if he is still considered ~~sufficient in the first instance, and that at some future date before the sentence expires the Police should go into each man's cases and if he is still considered~~ really dangerous should put up recommendations for action against him under the

Order No. 18, Public, dated 11th January 1923.

The Government have given careful consideration to the question of the policy to be adopted with regard to the application of Regulation II of 1819 to Mapilla offenders. The decision which they have reached is briefly that action under the Indian Penal Code and action under the Regulation must be mutually exclusive. That is to say, if a man has once been prosecuted and convicted under ~~ethe~~ the Indian Penal Code other offences which he may have committed before his conviction or his general character should not be taken as grounds for action against him under Regulation. In the second place they consider that the circumstances which would justify a recourse to action under the Regulation are either that a man has committed offences with regard to which judicial proceedings are undesirable or cannot be taken, such as, for instance, forcible conversions, or that the character of a man is such that his continued residence in Malabar is considered a danger to the public peace and it is not possible by means of the ordinary law to remove him from the district for a sufficiently long period.

2. As a corollary of these decisions, the Government consider that it is undesirable in the case of a man whose continued absence from the district is considered necessary to put him up for trial on a regular charge unless the District Magistrate is satisfied (1) that he will be convicted, and (2) that the sentence likely to be passed will be a long one or that if necessary other charges can be laid, if the first sentence does not involve a sufficient period of absence. When these conditions are not fulfilled action should be recommended under the Mapilla Act and the Regulation of 1819. Similarly where a man has already been convicted on a single charge out of several that can be brought against him but for other reasons the District Magistrate now thinks he should be dealt with under the Regulation his recommendation will have to be rejected and the correct course to pursue will be to put him up for further trial before the courts on other charges.

107

EXTRACTS FROM THE GOS RELATING TO N.C.S & Khilafat Movement 1920-25

IN THE MADRAS PRESIDENCY. Mapilla Rebellion - 23

Abstract of the G.O.

(Mapilla Rebellion - Resolutions in Madras Legislative Council - Resolutions rejected by the Government.)

REFERENCE: G.O.No.184 (Confidential) dated 8-3-1923: Public Department.

In the Madras Legislative Council in 1922, Dr. P. Subbarayan moved a resolution recommending to the Government that a Committee of officials and non-officials be appointed to inquire into and report on the cause of the Mapilla rebellion in Malabar and to inquire into the way in which Martial Law was administered in the rebel area and to further make recommendations as to the steps to be taken to stop the occurrence of such outbreaks. Mr. K.Prabhakaran Tampan also moved a similar resolution. But the Government was not prepared to admit either of them. It was against any kind of enquiry being held into the native and out come of the Martial Law, administration in Malabar.

EXTRACTS FROM THE G.OS. RELATING TO NCO and Khil. Movements (1920-25)

IN THE MADRAS PRESIDENCY.

Miscellaneous (Mapilla Rebellion - 1923).

ABSTRACT OF THE G.O.

Mapilla Rebellion - rebels killed in action - Erection of memorials - prevention.

REFERENCE:-G.O.No.202(Confl)dated 15-3-1923, Public Department.

The Government accept the view expressed by the District Magistrate Malabar in his letter No. 1975/ D123 d/ 24-2-23, viz., that the burial ~~play~~ places of ~~Mebely~~ rebels killed in the ~~Magistrate Court~~ recent Mapilla rebellion., should be watched carefully and action under sec 144 of the code of cr. Procedure code 1898, taken whereever ~~tmax~~ necessary to ~~percent~~ prevent the erection of memorials intended or likely to excite the feelings of the mappallas.

11

EXTRACTS FROM THE G.OS. RELATING TO NCO & Khilafat Movement (1920-25)

IN THE MADRAS PRESIDENCY. Miscellaneous (Moplah Rebellion) — 1923)

ABSTRACT OF THE G.O.

Mapilla Train Tragedy - Sergeant Andrews and Police escort - Departmental action - Inspector General's recommendation - accepted.

REFERENCE: G.O.No.159, 4th April 1923, (confl) ~~Public Dept.~~ Judl.Dept.

C O N F I D E N T I A L

GOVERNMENT OF MADRAS.

JUDICIAL(POLICE)DEPARTMENT.....

G.O.No. 159, 4th April 1923.

Mapilla Rebellion - Train Tragedy - Sergeant Andrews and Police escort - Departmental Action - Inspector-General's recommendation - Accepted.

Memorandum No. 667-A/1, Judicial (Police) dated 12th March 1923.

The Government agree with the Inspector-General of Police that Sergeant A.H.Andrews and the men of the Police escort who were tried and discharged by the District Magistrate Coimbatore in connection with the Mapilla Train Tragedy should be reinstated in service and should draw arrears of pay from the date on which they were placed under suspension, ~~I.E.~~ i.e., 14th December 1922.

With reference, however, to the findings of the Committee of Inquiry presided over by the Hon'ble Mr. Knapp the Inspector General is requested to report what departmental action , if any he considers should be taken against them.

R.A.GRAHAM,

Chief Secretary.

Letter from F.Armitage, Esq., Inspector-General of Police to the Chief Secretary to Government, dated the 20th March 1923, No. R.C. 608-State.

With reference to Judicial Department Memorandum No. 667 /A.1 dated 12th March 1923, I have the honour to report that the points of the findings of the Committee presided over by the Hon'ble Mr. Knapp are precisely those which the District Magistrate had to consider and adjudicate upon at the trial vide especially paragraphs 8 and 18 of the judgment.

The District Magistrate, after having had the advantage of the evidence being subjected to the scrutiny involved in the trial decided in favour of the Police officers concerned. I do not think, therefore, that there is any scope for departmental action extending beyond the District Magistrate's proceedings.

Order - No.159, Judicial (Police), dated 4th April 1923.

The Government accept the Inspector-General's proposal to take no departmental action against Sergeant Andrews and the men of the Police escort who were tried and discharged by the District Magistrate, Coimbatore, in connection with the Mapilla Train Tragedy.

(By order of the Governor in Council)

R.A.GRAHAM,
Chief Secretary.

To the Inspector-General of Police.

115

EXTRACTS FROM THE GOS RELATING TO. N.C.S. & Khilafat 1920-25

IN THE MADRAS PRESIDENCY. Mapilla Rebellion -23

Abstract of the GO.

(Mapilla Rebellion - Madras State Prisoner's Regulation 1819 - Tirurangadi - Forcible Conversion - Forty-seven persons deported.)

REFERENCE: G.O.No.488 (Confidential) dated 20-6-1923, Public Department.

The Government ~~argued~~ agreed with the District Magistrate Malabar that the Mapilla s took part in the forcible conversion of the Hindus should be removed from Malabar and ordered 47 persons in that case to be deported from Malabar and detained them in the Vellore Central Jail.

117

EXTRACTS FROM THE GOS RELATING TO N.C.S & Khilafat Movement 1920-25

IN THE MADRAS PRESIDENCY. Mapilla Rebellion - '23

Abstract of the G.O.

(Mapilla Rebellion - Madras State Prisoners Regulation - 1819 - Rebels concerned in forcible conversion - Arikkod etc. - Persons deported from Malabar - Retained in Central Jail Vellore) REFERENCE: G.O. No.497 (Confidential) dated 25-6-1923. Public Department.

Eleven persons who took part in forcible conversion were deported from Malabar and detained in Central Jail, Vellore.

119

EXTRACTS FROM THE GOS RELATING TO N.C.S & Khilafat Movement 1920-25

IN THE MADRAS PRESIDENCY. Mapilla Rebellion - '23

Abstract of the GO.

(Mapilla Rebellion - Sanction of money to the Government officers for accidental loss of property- by the Government)

REFERENCE: G.O.No.504 (Ordinary) dated 27-6-1923:Public Department

-- --

The Government recognised the obligation of the Government to compensate their officers for accidental loss of property incurred in the discharge of their duties in the ~~Ri~~ Mapilla rebellion and accordingly made sufficient provision in the budget for the disbursement of money to the sufferers. The actual details regarding the amount of compensation to each individual; and the method of its disbursement etc., left to the charge of the local authorities concerned.

-- -- --

121

EXTRACTS FROM THE G.OS. RELATING TO NCO + Khilafat movements (1920-25)

IN THE MADRAS PRESIDENCY. Miscellaneous (Maplah rebellion -1923)

ABSTRACT OF THE G.O.

Mapilla Rebellion - sentences of forfeiture of property imposed by Military courts - remitted.

REFERENCE:-G.O.No. 634(Confl.)dated 13-8-1923, Public Dept.

Under section 401 of the code of criminal procedure, 1898 the ~~Govr.~~ Governor in Council hereby directs that the sentences of forfeiture of property imposed by the ~~mily.~~ military Summary courts on the undermentioned fortyone Mapilla rebels who took part in the Mapilla rebellion in 1921 be remitted.

- - -

123

EXTRACTS FROM THE GOS RELATING TO N.C.S & Khilafat Movement 1920-23 IN THE MADRAS PRESIDENCY. Mapilla Rebellion '21

Abstract of the GO.

(Mapilla rebellion - Madras State Prisoners Regulation - Persons deported from Malabar - Retained in Central Jail Vellore.)

REFERENCE: G.O.No.813 (Confidential) d/ 20 - 10 - 1923, Public Department.

Seventeen persons who took part in forcible conversion were deported from Malabar and detailed in Central Jail Vellore.

EXTRACTS FROM THE G.OS. RELATING TO NCO. + Khil. Movement.

IN THE MADRAS PRESIDENCY. Miscellaneous (1925-25) (Mapilla Reb. 1924)

ABSTRACT OF THE G.O.

Malabar rebellion, 1921 -1922 - Number in jails - reduction - measures.

REFERENCE:-G.O.No. 257,(Confil.)dated 21-3-1927, Public (Mis)Dept.

CONFIDENTIAL. No.D.1931/26.

Government of India,
Home Department.
(Political).

From

H.G.Haig, Esquire., C.I.E.,

Secretary to the Government of India,

To

The Chief Secretary to the Government of Madras.

Simla, the 23rd July 1926.

Sir,

With reference to the ~~telegram~~ telegram dated the 15th July 1926 from the Government of Madras reporting the number of Mapillas convicted under the ordinary law in connection with the Malabar rebellion of 1921-22 who are now in jails or in the Andamans, I am directed to say that the Government or in of India note that the numbers which now stand at 6776, have been reduced by approximately 2,000 since January 1924. The numbers however are still so large as to constitute a problem which has no doubt been engaging the attention of the Government of Madras. Notices are not infrequently received from members of the Central Legislature who propose to move Resolutions recommending the release of these prisoners. The Resolutions have been disallowed by the Governor General on the ground that they relate to a subject which is not primarily the concern of the Governor General in Council. Nevertheless though the Government of India do not consider that this subject could conveniently be discussed in the Central Legislature, they would be glad to know the general views of His Excellency the Governor in council on the problem, and in particular with what rapidity these numbers may

expected to diminish by the expiry of the sentences and whether the Government of Madras contemplate any special measures for expediting this process.

I have the honour to be,
Sir,
Your most obedient servant,

Sd. Secretary.
to the government of India.

Letter No. 1049 dated 9-4-28.

To

The Secretary to the Government of India,
Home (Department) (Political).

Sir,

Prisoners - Malabar rebellion of 1921-22 - Number - reduction - Home Department letter No. D. 1931/26 dated 23-7-1926.

I am directed to reply to the Home Department letter quoted above.

On the 16th March 1927 there were 5339 Mapillas convicted of offences connected with the Malabar rebellion of 1921-22 in jail in this Presidency. A statement showing the numbers that will in the ordinary course be still in jail on the 1st of January in each year from 1928 to 1963 is enclosed. It will be observed that by the end of 1936 the number in jail will be appreciably reduced by the expiry of sentences.

The statement extends to 1962 on account of cumulative sentences awarded to certain prisoners. The Government have not yet considered especially the desirability of reducing these cumulative sentences because in accordance with Home Department resolution No. 159-69(Jails) dated 6-9-1905 such cases will come up for consideration when the term of imprisonment undergone together with any remission earned under the rules amounts to 14 years. It is possible therefore that many of the prisoners

due for release in 1936 or later years may be released under these rules earlier than the dates shown in the statement.

3. In 1922 the Government found that among Mapillas undergoing imprisonment for offences committed in connection with the rebellion a considerable number had been convicted in the early stages of the rebellion of crimes which though serious in themselves might be regarded as of minor gravity. They therefore reviewed the sentences in such cases and released as an act of grace 1291 Mapillas on condition of good behaviour during the periods covered by their respective sentences.

4. On the 31st December 1923 there were 7553 Mapilla convicts still in jail. In 1924 again the Government considered that the time had arrived to examine the question whether among the persons convicted in connection with the rebellion and confined in the jails there were men whose release was possible on the ground that they had taken only a minor part in the rebellion, that they were not confirmed or habitual criminals or likely to be a source of danger in Malabar. With a view to ascertaining the degree of criminality and the length of sentences involved in each case the Government placed Mr. Hilton Brown, I.C.S., on special duty. On 27th May 1924 when he entered on this duty there were 7075 prisoners undergoing imprisonment besides 280 adolescents and 196 juveniles in the Palamcottah jail and Tanjore Borstal School respectively. Mr. Brown examined the cases of those sentenced to imprisonment for less than 7 years. As a result of these investigations 764 were released in batches, the last batch (117) having been released in 1926. The cases of the prisoners in the Palamcottah jail were also examined by Government and 15 prisoners who could be released without danger were released in March 1926 As regards the Mapilla inmates of the Borstal School, the Government have decided to release them when they find employment which will keep them out of Malabar. It will thus be seen that the problem of the release of the Mapilla rebellion convicts has been receiving the constant and careful attention of this Government.

6. The Government of India will recognise that there are obvious objections from the point of view of the public peace to the simultaneous return to Malabar of large numbers of ex-rebels. The difficulties which would attend their return are similar to those which arose on the return of soldiers from active service to private life after the war, such as unemployment, restlessness discontent and reaction from discipline, but to these must be added resentment and a desire for revenge.

Since the receipt of the letter under reply this Government, in consultation with the District Magistrate of Malabar, have again examined the possibility of adopting special measures for the reduction of the number of Mapilla convicts in Jails, and in accordance with his suggestions they have decided to release within six months, starting as soon as possible 828 convicts considered to be not dangerous and due for release in 1927, 1928 and 1929; it is proposed during the first half of 1928 to release 88 more convicts included in the same category and due for release in 1930,1931 & 1932. Of the convicts who are considered 'dangerous' 1451 would be released in the ordinary course in 1929 and 468 in 1930. To prevent the return to Malabar of large numbers of dangerous men within a short space of time His Excellency the Governor in Council has decided to begin the release of the 1451 convicts referred to above with effect from January 1928, the number to be released each month from January 1928 up to the date on which the last release is due in 1929 being distributed the releases as evenly as possible each month of 1928 and 1929.

8. The Government have directed the District Magistrate to submit by the 1st September 1929 further proposals for dealing with the convicts who will be still in jail on 1st January 1930.

I am to add that the Mapilla Andaman Colonisation Scheme is proceeding simultaneously, but it is yet too early for it to have had any substantial effect on the number of ex-rebellion convicts in jail.

Statement showing the number of Maipilla convicts connected with the rebellion of 1921-22 who under their sentences will be in jail on 1st January of each of the years 1928-29 1963.

Year.	Number of convicts.
1928	5324.
1929	5139.
1930	3557.
1931	2809.
1932	2623.
1933	2459.
1934	2315.
1935	2157.
1936	1953
1937	576
1938	523
1939	506
1940	479
1941	469
1942	436
1943	103
1944	28
1945	23
1946	20
1947	18
1948	14
1949	13
1954	9
1956	8
1958	5
1961	4
1962	3
1963	Nil.

135

EXTRACTS FROM THE G.OS. RELATING TO Non-co-operation Khilafat Movement 1920-25 IN THE MADRAS PRESIDENCY. Mapilla Rebellion. - 1922.

ABSTRACT OF THE G.O.

Mapilla Rebellion - Military Courts - reduction of sentences - Orders passed.

REFERENCE:-G.O.No.848(Confidential)dated 1-11-1923, Public (Mis)Dept.

CONFIDENTIAL. No. D/6334.

GOVERNMENT OF INDIA.

HOME DEPARTMENT.
(Political)

From

The Hon'ble Mr. S.P.O'Donnell, C.I.E.,

Secretary to the Government of India.

To

The Chief Secretary to the Government

of M a d r a s.

Simla the 23rd May 1922.

Subject:- Sentences passed by military courts in connection with the Moplah rebellion.

--

Sir,

I am directed to state for the information of His Execellency the Governor in Council that the records of the cases disposed of by military courts appointed under the terms of Ordinance IV of 1921, have been submitted to the military authorities at the Headquarters of the Government of India, and that examination of them discloses the fact that 277 persons are undergoing sentences of transportation for life. 135 of these persons were convicted for "waging war" while 142, who were originally sentenced to death (129 for "Waging War" and 13 for murder) have had their sentences commuted to transportation for life by the General Officer Commanding Madras District.

2. The Military Courts in question could under the law, award no lower sentence than transportation for life for the offences referred to, and it is probable therefore that there are degrees of guilt and that all the persons convicted should not receive the same degree of punishment. It has accordingly

137

been suggested to the Government of India that the records of all these cases should be reviewed by the Government of Madras when conditions in Malabar permit, a judicial officer or officers of standing and experience being placed on special duty for the purpose of advising as to whether action should be taken under section 401 or 402 of the Criminal Procedure Code or under section 112 of the Indian Army Act. I am desired to enquire whether the Madras Government agree that this suggestion may suitably be adopted, and if so what action they propose to take in the matter.

3. The records of the cases in question will be transmitted to the Government of Madras if required.

I have the honour to be,

Sir,

Your most obedient servant,

SD. S.P.S. O'DONNELL.

S E C R E T A R Y.

Letter Refnce. No. 108-1/5 dated 24-6-22.

To

The Secretary to the Government of India,

Home Department, Simla.

Sir,

Mapilla rebellion - Military Court - sentences passed by - review of - Your letter No.D.6334 Poll. dated 23rd May 1922.

I am directed to state that this Government agree to the suggestion conveyed in the above letter and propose, when conditions in Malabar permit, to place a judicial officer on special duty to examine the records of the cases convicted by military courts and advise Government as to desirability of allowing reductions of sentences in particular cases.

I have etc.,

139

EXTRACTS FROM THE G.OS. RELATING TO NCO + Khil. movements (1920-25)

IN THE MADRAS PRESIDENCY. Miscellaneous - (Maplah rebellion - 1925)

ABSTRACT OF THE G.O.

REFERENCE:-G.O.No.813(Confl)dated 22-8-1925, Public Dept.

GOVERNMENT OF MADRAS.

PUBLIC DEPARTMENT.

G.O.No. 813(Confl)22nd August 1925.

Mapilla Outrages Act, 1899 - Mapilla rebellion - Thirteen rebels convicted of offences connected with - Debared from entering Mmpxix Malabar.

READ the following papers:-

From the District Magistrate Malabar, No.Dl. 10225/24, dated 7th May 1925.
From the District Magistrate, Malabar, No.Dl.10225/24, dated 24th June 1925.
From the District Magistrate, Malabar, No.Dl.10225/24, dated 19th July 1925.

Order-No.813, Public dated 22nd August 1925.

The policy of the Government in the matter of the application of the State Prisoners Regulation to the Mapilla rebels as laid down in G.O.No.18, Public dated the 11th January 1923 is that action under the Indian Penal Code and the Regulation should be mutually exclusive. The District Magistrate Malabar, has now suggested that this policy should be departed from in respect of the thirteen convicts mentioned in the annexure. These convicts have undergone or are undergoing terms of imprisonment ranging from three to five years They are dangerous fanatics and the District Magistrate recommends strongly in the interests of the public peace that on release they should be debarred under the provisions of the Mapilla Outrages Act, 1859, from returning to Malabar. After careful consideration the Government have come to the conclusion that there is no feasible alternative to action under the Mapilla Outrages Act, 1859, and they therefore accept the District Magistrate's recommendation.

14)

In regard to the places of detention under surveillance, the Government are prepared to leave the choice to the prisoners themselves, subject, however, to the condition that they shall not be permitted to reside outside the Presidency or in condition that they shall not be permitted to reside outside the Preśidency or in the districts of Coimbatore, South Kanara and the Nilgiris.

143

EXTRACTS FROM THE G.OS. RELATING TO NCO & Khil Movement (1920-25)

IN THE MADRAS PRESIDENCY. Miscellaneous (Map Malabar rebellion -1929)

ABSTRACT OF THE G.O.

Honours and Titles - Medals - Indian General service - Malabar rebellion - supplemental test Distribution.

REFERENCE:-G.O.No. 604(Confl.)dated 27-5-1929, Public Department.

Public Department.

Memo No.1539-2 dated 3-5-28.

Honours and titles - Medals, Indian General Service - Malabar rebellion - 1921-22 - Continuation of Government Memo No. 1539-1 Public, dated 4-4-1928.

Forty three Indian General Service Medals, 1908, with clasp "Malabar, 1921-22" and ribbons intended for Nos. 1-42 in the list sent with his letter R.C.42/Audit/27 dated 5-12-1927 are sent to the I.G. of Police. The receipt of the medals should be acknowledged.

2. The Medals and clasps should be delivered in the manner indicated in para 2 of Government Memo No. 1168-4 Public, dated 2-6-1926.

145

EXTRACTS FROM THE G.OS. RELATING TO N.C.O. & Khilafat Movement 1925-30

IN THE MADRAS PRESIDENCY.

Mopilla Rebellion - 1931

ABSTRACT OF THE G.O.

Govt. Servants' Conduct Rules - Rule 6 - Collection of subscriptions for the assistance of released Malabar rebellion prisoners - District Magistrate and other officials in Malabar district - Permitted.

REFERENCE:-G.O.No. 1305(Confidential) dated 23-12-1931, Public Dept.

--

Government permit the District Magistrate of Malabar and other officials of that district to become members of or assist the Committee that is being organised to assist the Malabar rebellion convicts and State prisoners returning to Malabar on release in obtaining employment and to participate in the collection of subscriptions by the Committee in furtherance of the said object.

2. The District Magistrate should report who the Committee consists of. It is obviously of the greatest importance that the work on behalf of the Mapillas should not be made a political matter and that the Committee should not get into the hands of the Congress party or other agitators.

- - -

147

EXTRACTS FROM THE GOS RELATING TO N.C.S. & Khilafat Movement 1920-25

IN THE MADRAS PRESIDENCY. Mapilla Rebellion – '32

Abstract of the G.O.

(Mapilla Rebellion - Statistics of persons involved in the rebellion).

REFERENCE: G.O.No.742:(Confidential), d/25-5-1932: Public (General) Department.

In the Malabar Rebellion, cases of seditious and criminal activities were registered against 60,000 Mapillas. Out of which 11,000 were sentenced to imprisonment. Thirty eight persons were sentenced to be shot dead and 308 to be hanged . The number transported to the Andamans as on 22nd March 1923 was 1,277. This does not take into account the number of cases subsequently sent to the Andamans under the Mapilla colonisation scheme. The bulk of the rebellion convicts were sent outside Malabar especially to Ballary. The total in that case was 4,599. The persons killed during the phase of the rebellion exceeded 2,000.

147

EXTRACTS FROM THE GOS RELATING TO N.C.S & Khilafat Movement 1920-

IN THE MADRAS PRESIDENCY. Mapilla Rebellion 1935

Abstract of the G.O.

(The Mopilla Outrages Act 1859 - Request ~~to~~ for repeal - Resolution of Kerala Muslim Conference).

REFERENCE: G.O.No.546 (Confidential) dated 3-4-1935;Public (Gene[ral] department.

-- -- --

The Kerala Muslim Conference which was held at Cannanore on 28th May 1936 passed a resolution, unanimously, requesting the Government of Madras to repeal the Mopilla Outrages Act which was passed in 1859 and held in force even upto in 1936. after the Mapilla rebellion of 1922. The Conference declared that it was an antiquated and incivilized procedure and its application to the Mapilla community was an outrage on their self-respect and religi[ous] susceptibilities. Even before the Conference passed this resolution attempts were made in the Madras Legislative Assembly as as 1921 and 1928 to move resolution for the repeal of the act. But the Government ~~wa~~ always decided that it should be retained in ~~the~~ Malabar for the sake of Public Order and Peace. The Government considered that the Act was entirely a precautionary measure and affected no one in normal times whatever. On the other hand, it was unanimously considered by the public as a harsh and oppressive measure which gave much opportunity to the Government to abuse it, against the interests of the individuals in the name of public peace and order. For under section 6 of the Act, which was the only provision, normally used, the Government could deport from Malabar or keep in detention outside, Malabar any Mapilla who was likely to disturb the peace there and against whom it was not possible to pro[ve] any definite offence.

-- -- --

15)

EXTRACTS FROM THE G.OS. RELATING TO ~~civil disobedience~~ (1930-35) malabar rebellion
IN THE MADRAS PRESIDENCY.

ABSTRACT OF THE G.O.

Budget motion - Not moved - Malabar Rebellion Prisoners - Mapilla outrages Act - Repealing - papers recorded.

REFERENCE:-G.O.No. 1168(Ordi) dated 17-7-1935, Public Department.

B.Pocker Sahib Bahadur:- On behalf of the Mapillas, I must thank the Government for the very liberal policy which the Government have pursued in releasing them and I am really glad that practically all of them have been released and there are only very few in the jails or in the Andamans.

"I would like to mention particularly the case of the Mapilla State prisoners. The Hon. the Law Member knows that there are persons who have been exiled without any trial and without themselves knowing the sin that they were alleged to have committed.

In this connexion, I have to make one appeal to the Government and that is with reference to the Moplah Outrages Act. I do not want to use any strong language in characterizing the Act and I shall leave it to the Hon. the Law Member himself to characterize it any way he likes. After going through its provisions, I had a feeling that no Government in this Twentieth Century will think of retaining the Act on the Statute book. I must frankly say, Sir, that apart from the question of its wounding the self-respect of the Mapilla community, it is not a credit to the Government to still retain the Act on the Statute book.

"Now I ask Sir whether the Government will honestly maintain that this antiquated Act with so many provisions which cannot be palatable to any reasonable mind is necessary at present to maintain law and order in Malabar. And in order to test this, I would ask on how many occasions had the Government to resort to this Act after it has been enacted and particularly during the last quarter of a century. Even the State prisoners are dealt with under the State Prisoners' Act rather than the Moplah Outrages Act. I am pleading for the repeal of the Moplah Outrages

153

Act which is highly offensive to the self-respect of every Mapilla. I appeal to him to read the provisions of the Act and see if it is not so. If it is so, really, I wonder why the Government should persist in keeping it on the Statute book. The only result ofit is to wound the sense of self-respect of the Mapillas whose behaviour has been very satisfactory and as regards whom there has been absolutely no complaint. There have not been many occasions to use such an Act. I do think that it is the duty of the Government to give sufficient regard to the sense of self-respect of the community and see that if it does not serve any purpose except to wound the self-respect of the community, it is repealed."

Hon'ble Sir K.V. Reddy Naidu replied:- "I should like to answer the few points with regard to the representations made by Mr. Pocker. I may at once assure the hon. Member and those who think like that, that it was never intended that the provision should wound the feelings of any community. It is intended merely for the safety of Malabar; it is very rarely used; as hon. Members are aware, there has been only one occasion to my knowledge during the last 30 or 40 years when these provisions had to be applied. As regards the prisoners who are actually in jails, there are only five prisoners under the Regulation of 1819, there are only five prisoners; of one prisoner in the first catagury and that of 4 prisoners in the other category were considered by the District Magistrate; I may here inform the House that generally before a State prisoner or a Mapilla prisoner is released, the matter is referred to the District Magistrate; if the District Magistrate agrees that there is no danger to society there, we have taken every opportunity to release such people. It is only in the case of a few people one prisoner in the one case and four prisoners in the other case - the District Magistrate has reported that it is rather dangerous to release them just at present under the conditions that now prevail in that part of the Presidency where they live. As regards the other five prisoners also, we have again referred to the District Magistrate; his report is awaited; if the District Magistrate thinks there is no danger of releasing them, they will certainly be released.

155

EXTRACTS FROM THE G.OS. RELATING TO Provincial autonomy (1937-40) malabar rebellion (19

IN THE MADRAS PRESIDENCY.

ABSTRACTXOF THE G.O.

Legislative Assembly Question - September 1937 - withdrawn-Moplah outrages Act - Repeal of.

REFERENCE:- G.O.No. 2279(Ordi)dated 26-11-1937, Public Dept.

LEGISLATIVE ASSEMBLY QUESTION No. 725 - STARRED.
Mr. P.K.Moideen Kutty.

Will the Hon'ble the Minister for Courts and Prisons be pleased to state -

Whether the Government propose to introduce a bill to repeal the Moplah outrages Act (Act XX of 1859)?

PUBLIC (GENERAL) DEPARTMENT.

A N S W E R.

Under the powers vested in the Government under Act VII of 1869, a notification has been published in the Fort St. George Gazette dated 14th September 1937 that on and from the 14th September 1937 the Moplah Outrages Act, 1859 (XX of 1859) shall cease to be in force.

Sd. For Chief Secretary to Governement.

- - - -

29-4/2013 /R1/RH/13

508/84

515/84

456/14/68

38/RH
9/11/2001